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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 005268

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SUBJECT: PARLIAMENT TO TAKE UP EU LEGISLATION AT SEPTEMBER
19 EXTRAORDINARY SESSION

Classified By: Political Counselor Janice Weiner; reasons 1.4 b and d

¶1. (C) Summary: The Turkish Parliament will meet in a special session on September 19 at the ruling Justice and Development Party's (AKP) request to consider legislation related to Turkey's European Union accession process. The government will attempt to pass the so-called Ninth Reform package in time to allow the European Commission to incorporate developments into its annual progress report, due out late October. Controversial Turkish Penal Code (TPC) Article 301, which stifles free speech, is absent from the list, though contacts tell us the government is working on changes. The package of laws is an ambitious effort that the Parliament is unlikely quickly to complete. End summary.

TGNA to Consider Seven Draft Laws Related to EU Accession

¶2. (U) On September 12, the five AKP whips submitted a petition to the Turkish General National Assembly (TGNA) Speaker's office requesting the General Assembly convene extraordinarily on September 19. Later the same day, Parliamentary Speaker Arinc formally called for parliament to assemble at 3 p.m. on the 19th. The AKP government hopes to pass European Union harmonization legislation with sufficient time to allow the European Commission to take account of developments in its annual progress report, which is due out on October 24 but which may stretch to early November so as not to coincide with the end of Ramadan. The petition lists nine draft laws to be considered, seven of which relate to Turkey's European Union accession process:

- The Law on Private Educational Institutions;
- The Law on Amending the Settlement Law;
- The Ombudsman Law;
- The Foundations Law;
- The Law Amending the Law on the Court of Audits;
- The Law on the Ratification of the Amendments in the European Social Charter; and
- The Law on the Ratification of the Revised European Social Charter.

¶3. (U) These seven draft laws are part of the Ninth Reform Package of 14 new laws and two administrative measures, which Foreign Minister Gul announced on April 12, 2006. Prior to its summer recess, parliament passed four of the 14 laws, pertaining to Military Courts, the UN Fight Against

Corruption convention, the UN Human Rights Convention, and the Ombudsman Law.

¶4. (U) The Ombudsman law, which President Sezer vetoed because it allegedly expanded parliamentary power in violation of the Constitution, is again on the current agenda. If passed, the President may not exercise another veto, but may opt to refer the law to the Constitutional Court. Several of the draft laws remain in committee: The Ombudsman Law; the Foundations Law; and the Law on the Court of Audits.

Free Speech: GOT Working on Article 301

¶5. (C) In recent weeks, the Turkish press has speculated that parliament would take up TPC Article 301 in the September session. This controversial law has been used to prosecute writers such as Orhan Pamuk and Elif Safak for commenting on sensitive topics such as Turkish-Armenian history. Although not currently on the September agenda, the GOT appears to realize that it can no longer delay action on the issue. Several contacts, including AKP Whip Sabdullah Ergin and AKP Vice Chair Dengir Mir Firat, told us that the GOT is working on the issue and they expect it to be added to the September 19 agenda. MFA contacts have told us amending Article 301 remains an important issue for the AKP, especially as Prime Minister Erdogan was imprisoned on freedom of speech grounds before taking office. The GOT is likely to amend the current version of the law in an attempt to limit its scope instead of scrapping it completely.

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Comment

¶6. (C) We have been hearing for weeks that this special session would be called (in fact, the GOT used the signatures gathered for this to aid in calling the September 5 special session that approved Turkey's UNIFIL deployment). It is a tall order. The Parliament will have a full plate and the government may be hard-pressed to push through all seven EU-related laws. Several of the proposed laws, notably the Foundations Law, remain controversial, while several draft laws remain in committee. Others are laws meant to harmonize pre-existing legislation with the new TPC. It is likely the European Commission has already finalized much of the upcoming progress report. Even so, given the looming Turkey-EU crisis over opening Turkish ports and airports to the Republic of Cyprus, any good faith effort and forward movement will help Turkey's EU allies to help Turkey.

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